IMT Nuremberg Archives

H – 205

International Court of Justice

5-93

OFFICIAL TRANSCRIPT OF THE INTERNATIONAL MILITARY TRIBUNAL IN THE MATTER OF THE UNITED STATES OF AMERICA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE FRENCH REPUBLIC AND THE UNION OF SOVIET SOCIALIST REPUBLICS, AGAINST HERMANN WILHELM GOERING ET AL, DEFENDANTS, SITTING AT NURNBERG, GERMANY, ON 14 AUGUST 1946, 1000-1300 LORD JUSTICE LAWRENCE PRESIDING.

H0205-0002

MAX JUETTNER -- Resumed
DIRECT EXAMINATION--Continued

BY DR. BOEHM:

Q. Witness, yesterday we left off in your examination about the dealing with the Jewish question as related to the SA. Now I should like to ask you :What was the participation of members of the SA in actions against the Jew. in November 1938 and how can you explain that ?

A. I beg to be able to call your attention to the fact that there seems to be a technical distrubance in my microphone.

Q. Can you hear now ?

A. Yes.

Q. In your testimony yesterday, we left off with the matter of the Jewish question within the SA and now I should like to ask you :"What was the participation of the members of the SA in November of 1938 and how was that to be explained ?

A. The participation of the members of the SA in this action, those were actions which could not be excused. They were isolated incidents and they were in complete contradiction to the directive of the leadership of Staff Chief Lutze. Lutze was in Munich in the old city hall (Rathaus). There, in connection with the speech made by Dr. Goebbels, he immediately called the chief of the administrative office, Obergruppenfuehrer Mappe and charged him to go to the Hotel Reinhof where a part of the SA leaders, who had been present, had gone; and he was to tell this SA leadership not to participate in any way in any action against the Jews whatsoever. Perhaps an hour afterwards, when he received word that the synogogue in Munich had been set on fire, Lutze, in my presence, told the SA leaders who were still in the large festival hall of the city hall in Munich -- he repeated this prohibition to them and said that this order was to be passed along to all units

H0205-0003

immediately. This did take place and is confirmed by the fact that in many places no actions were carried through at all and numerous SA men know the contents of the order and can give their oath on it.

Q Well, then, how did it come about that despite that, members of the SA participated in the destruction of Jewish installations?

A As has been ascertained afterwards, isolated individuals let themselves be persuaded through agencies whoo without doubt, were under the influence of Dr. Goebbels. Indeed and in fact, compared with the strength of the SA, relatively few real members of the SA participated in this action , even though public opinion later blamed the SA for this action and here again, it turned out that everyone in a brown shirt was characterized as an SA man. The SA was in no way the bearer or the initiator of this action as may be seen as well from the fact that, as I learned from the press in the last few months, isolated places, such as in Bamberg, Stuttgart, and I believe, in Hof as well, people were sentenced who had destroyed synagogues and who had not belonged to the SA and the fact as well, that many SA men volunteered to protect Jewish installations against subversive elements. That may have created the opinion in public life that the SA had actually committed these misdeeds. In any event, Staff Chief Lutze, a few days later, gave voice to his indignation to Dr. Goebbels about the action itself, about the unjustified accusation against the SA and of the persuading of the SA men to misdeeds and he objected to this most strenuously. Soon after, he issued an order that in the future SA men would not put themselves at the disposal of other agencies for further action unless he himself had given the respective approval or permission. Staff Chief Lutze punished the guilty ones and as the case might have been, they were turned over to the regular courts for sentencing.

Q Then up until this point things had been different.

H0205 - 0004

Lutz defined his attitude about using SA membership politically?

A. The political leadership had only the authority to use the SA for certain tasks or rather to demand from these tasks the following : Participation in Gau and Kreis roll calls ; the land for the use of the SA in cases of a catastrophic nature and then for propaganda purposes; for meetings for the collection of clothing and the winter help system. These were the demands which the political leadership put to the SA in the course of the year. Oth demands of an illegal nature, as far as in order to elimate Dr. Goebbel's influence on the SA, Lutze issued this order.

Q. The prosecution in this trial, under the No. 1721-PS submitted a document; it is a report of Brigade No. 51 to the Group Kurpfalz. I shoul like to have this document shown to you and then I should like to ask you whether any investigations were taken in these matters.

H0205-0005

A. After this action, we started investigations out of the sector Group Kurpfalz. Actions of that nature, evil deeds such as are reported in this document, were not reported to us, and I consider it quite out of the question that these matters which are reproduced here are in accord with the facts.

Q. Now I would like to put a series of questions to you which would have been superfluous if the witnesses Lucke and Fuss could have been interrogated in this court. Lucke is the person who made this report and Fuss is the one to whom it allegedly was sent.

Now, I should like to ask you: Are reports like that, with the orders contained in the report, customary in SA service channels?

A. In my entire activity as chief of the main office and as permanent deputy, I never observed that in reports of this kind such orders were repeated verbatim, and apart from that I should like to say that the leader of this group, who was Obergruppenfuehrer Fuss, at the time he allegedly transmitted this report was in Munich in the old city hall, and then in the Hotel Reinhof. He received this prohibition from Staff Chief Lutze in the presence of Obergruppenhuehrer Mappe. He transmitted this prohibition to his group by telephone. When Fuss returned to Mannheim, as I know, he convinced himself of the fact that the transmission of this order had taken place and that, in accordance with it, SA men were furnished for the guarding of Jewish installations.

The head of the Leadership Division of this Group Kurpfalz, a certain SA leader by the name of Zimmerman, confirms that the Gruppenfuehrer was told to do exactly the opposite of that which is contained in this document as a group order, and that he furnished SA men as guarding units, and that he saw them guard Jewish installations. In the interment camps, men who belonged to this group, who headed units of this group, will testify to the fact that they never received an order like the one which allegedly was given.

Q. Was it customary in SA phraseology to say "Jewish synagogues"?

A. No, there was no expression like that. If you spoke of Jewish churches you said "synagogues". The concept "Jewish" was therefore included, just as when you speak of a mosque the concept "Mohammedan" is inseparable from it. In the same way, if you speak of synagogues, you do not say "Jewish synagogue

H0205 - 0006

but you just say "synagogues".

Q. And in the order there is mention of an "Aryan population". Was it possible to have this phraseology used or was it customary, or is it true that that is divergent and does not apply?

A. If this order had been given, one would not have said "aside from houses which were inhabited by Aryan populations" byt one would have said "those houses which were inhabited by Germans or similar people". "Aryans" would not have been used in this connection.

Q. Does it sound probable or creidble to you that in the year 1938, at a time when the National Socialist power was consolidated 100 per cent, when mutiny and plundering was to be prevented, this phraseology would have been used?

A. This speaks quite truly against the authenticity of the report submitted here. Any incentive to mention anything like mutiny and plundering in this connection would be quite inexplicable. There is no reason for mentioning anything like that.

Q. Would it have been possible, or would it have been understandable that a group, with reference to an order from a brigade, would have sent the report of execution to the Brigadefuehrer?

A. That would have been quite senseless. The brigade would not send any order like that to itself.

Q. But in this report that is expressed, isn't that right?

A. Yes, and that would speak against the authenticity of this report which is here reproduced.

Q. And what would you gather from the way in which the order is set up?

A. I conclude from it, to put it briefly, that this order was never given, and that he who invented it had no idea of the language used in commands by the SA.

Q. Was it customary and in accord with the transmission of order that orders were not given along official channels, but that matters were handled in the way set out, according to which the Standartenfuehrers were alerted,

H0205 - 0007

and they would have been instructed exactly, and that in this connection the beginning of the execution of the order would have been reported on?

A. Quite apart from the fact that a report of execution would never have been given in the form in which I have it before me, it was customary with us that orders were transmitted through official channels. Then the execution began. At the beginning of the execution to have that emphasized or to have it reported on is quite out of the question, for each order needed an execution per se, and a report would have to be given if certain difficulties would arise out of the execution of the order.

Q. And what do you conclude from the entirety of this improbable and most likely untrue copy of the 11th of November 1938?

A. I believe I have stated already that this document here in itself speaks against its authenticity, and that we are concerned with a forgery here. When I look at this document I must arrive at the conclusion that as far as time is concerned, the execution --

THE PRESIDENT (Interposing): Could you give me the number of the document?

DR. BOEHM: It is 1721-PS.

THE PRESIDENT: Don't you think we have heard enough about it now? We have heard considerable argument that it is not authentic.

DR. BOEHM: Mr. President, we are concerned with this matter, that if the two witnesses who would have been competent in this matter could have been brought here, they could have clarified the matter in such a way that there could be no doubt about this forgery, for it this report of execution were true and correct, the SA would have been incriminated tremendously thereby.

THE PRESIDENT: I know that, but the witness has been telling us that for the last ten minutes.

BY DR. BOEHM:

Q. In connection with the document 1721-PS, under the same number you will find a command given out by the highest SA leadership. An order which you signed was submitted, which says:

H0205 - 0008

"In connection with the actions against the Jews arising from the public, valuable objects had to be safeguarded here and there by the offices of the Party and its branches for the protection of German public property. I order that such objects be turned over at once to the nearest office of the Secret State Police and receipts be given therefor.

"If, in connection with these actions, the offices of the Party and their branches should become aware or have been aware of thefts which unfortunately may have occurred, it is to be reported at once to the nearest Police Station. The same is to be done upon the appearance of suspicious objects.

"The offices of the police are to be aided to the fullest extent in accomplishing their assignment."

Because of this order, you are accused of having known that the objects which are mentioned herein were to be turned over to a certain place from which they were never to return to their legal owners.

Now, I should like to ask you: What was the origin of this order? How did it arise? Could one gather from the contents of this order, which emphasizes that the offices of the police in carrying out their assignment are to be aided as much as possible, that it was your intention not to have the Jewish property which had been stolen returned?

H0205-0009

A In the early interrogations in the Commission I already became acquainted with this order which was just read to me. According to my memory, it dates to the 29th of November. At that time, on the 29th of November, I knew exactly that Adolf Hitler, above all, Hermann Goering, Rudolf Hess, and Lutze most severaly rejected this action of November, 1938. The order which bears my signature is not contested by me. It is a reproduction of a directive of the office of the Deputy of the Fuehrer, Rudolf Hess. Thereupon it is to be traced back to its source. Since I knew that Rudolph Hess was known as a truly legal person and banned this action to the utmost, I had to assume from his instructions that it was intended that stolen property be restored to its original owners, who were the Jews. Any other assumption was quite out of the question for me. That this property was to be taken to the police, first of all, and to have them serve as trustees, was a matter which was quite natural, for in my eyes I considered the police the guardians of law and order, and I did not consider their office to keep or to steal the pr perty of other people.

Q Now I should like to turn to a different pattern of questions. The witness Schellenberg has stated that in the years 1943 and 1944 the SA leadershi took over not only the guardianship of concentration camps, but also of work camps and prisoner of war camps, and that they made every effort to do so. Will you please comment on that?

A May I ask what was the year again?

Q In the years 1943 and 1944.

A In the year 1943, from May to August, I headed the SA as the deputy of the Staff Chief. As before, in this time as well, I never endeavored to get into the hands of the SA the tasks which had been given to other agencies, and especially do I mean tasks of a police nature. Neither did I endeavor to take over tasks nor did I have negotiations of that nature carried out. Apart from that, in my internment after this accusation against the SA was made to me from the indictment, I discussed this matter with Mr. Schellenberg. Mr. Schellenberg told me that the reproduction of his testimony must rest on a misunderstanding. He had meant to say conversations of the SA with the

H0205-0010

Reichsfuehrer SS about questions of city and country guarding. Conversations of that nature are not contested, not disputed, by me. They dealt with allocation of time in periods of service, so that on a legal basis members of the SA who were obliged to serve in the Stadt and Land Wacht would not get into any trouble through the fact that at the time SA service would take place. That was the reason for these conversations. And when the concentration camps were taken over by the Reichsfuehrer SS, the SA had no connection with the guarding of concentration camps, prisoner of war camps, and work camps, and I have received no knowledge to the effect that isolated SA men were obligated by law to carry out tasks of that nature.

Q Please comment on the question of the attitude taken by the SA on church problems.

A On the church question, the SA left it to the individual and gave him complete freedom of choice. Staff Chief Roehm was a church member. Apart from that, as I remember, in the year 1934 they gave out instructions to the SA according to which he prohibited SA men in any way to hold a position or a view in church questions in conflict, for the reason that in that way the community of the SA could be disturbed. I personally was a church member, and I have always been a member. As the permanent deputy of the Staff Chief, I was a church member also. The greater bulk of the SA membership, the great majority, were church members. Many members of the SA -- that is, not just isolated members -- and this holds true up until the end -- were in church councils and were active in that position. This is a fact well known to us and something which we never tried to deny. Staff Chief Lutze issued an order about this, that any SA service was to be suspended during the time of church services.

Q Could you say that the SA represented the basic principle of positive Christianity and tried to make that principle its own?

A I believe I can give you a complete "Yes."

Q The beginning of the war, 1939, is brought into connection with the work of the SA. How can you justify the fact that the work of the SA did not serve as a preparation for war?

A I assume first of all that the practical work of the SA is meant.

HO205 - 0011

Those things which the SA did in the past can be judged correctly only with a view to the situation that applied at the time. It cannot be judged according to the situation which has arisen now, and according to the picture which has been gathered now because of the war. The situation which obtained in Germany at the time, if I am correctly informed, Your Lordship, has been described fully and at length in this courtroom. But I should like to emphasize that the German men of that day, because of the need which prevailed, had been run-down physically very, very much. They were hardly fit for service and hardly suitable even for work. The degree of their suitability and their character had reached an almost horrifying low level. It was the only endeavor of the SA to contribute to the fact that in Germany once more a strong and brave body of men would arise who in all states of the country would be willing and able to serve and be fit for service. In 1933 there threatened civil war and riots in Germany. Behind us we had the Polish riots. Because of its central position, Germany was dependent more on the safety of her boundaries and had to be more on the lookout. Finally, this country, which is poor in raw materials, was forced to try to circumvent natural catastrophes so that greater damages would be prevented. For that it needed a well trained, healthy body of men who were ready for military service. And to train those men, that was the task set for itself by the SA.

Q Did the SA, up until the outbreak of war, believe in peace, and how could you prove the fact that this belief of the SA in a peaceful development actually did apply?

A The SA truly did not want a war. Hundreds of thousands of former combatsoldiers of the first World War were in the SA. These men knew that war was an unholy sacrifice. They did not want war. For the sake of their country and also for the sake of their own existence they wanted a peaceful development. In 1939 up until the August days, the end of August -- and I myself was here in Nuremberg in connection with the Reichsparteitag, the Party Rallies, and busy with arranging for the special festivities which were to take place -- we did not think of war. They were not enthusiastic about the war. Rather, they met it with indignation and were crestfallen. We always believed in peace, because of many historical events in the past, the naval agreement with England, agreements with Poland, trade agreements with other

H0205 - 0012

states, friendly relations with the south-eastern states of Europe, and above all, the events which had reconciled the peoples at the Olympic games in 1936. For all of these reasons we believed in peace: because of the collaboration of the Front Soldiers' Organization of the European countries which was supported by the SA; because of the increasing expansion of the youth societies of the various states; because of the regular international workers' meetings at Hamburg; and we knew of the friendly courtesy visists from the great statesmen of other states which were paid to Adolf Hitler.

H0205 - 0013

We knew of the publicity of prominent foreigners as to the Third Reich and finally it was the Munich agreement which we hailed with joy and with enthusiasm and which seemed to assure peace.

Q Did the SA leadership have nay influence on policy?

A After the death of Roehm not at all. The SA was not in any way suited to exert influence on policy. Neither the SA as an organization, nor its leadership was used or abused for war mongering purposes. That was quite out of the questic Militarism or the glorifcation of military activities such as drilling and so forth or an excitement to war or anything similar was never approved by the SA and for that will speak the attitude of Roehm to the neighboring states and the attitude held by Lutze toward war in general.

Q Would the SA have had to follow an order as to war propaganda?

A I believe in my interrogation before the Commission I declared that the SA did not know blind obedience. An instruction to carry on war propaganda never came to the SA from any source. Therefore, the SA neither in its instructing uni' nor in its training units carried out propaganda for war.

Q A few days ago the Prosecution, amongst other things, showed me an affidavit of Minister President Dr. Buerkner. This was placed in my mail box and since I shall have no other opportunity except here and now to define my attitude as to this affidavit, I should like to put a few questions to you dealing with these matters contained therein.

In this affidavit it is set out that already in the year 1922 I believe it was, the so-called on the so-called "Day" in Coburg, the SA dominated the streets with armed bands and attacked the peaceful population.

THE PRESIDENT: Is the affidavit in evidence?

DR. BOEHM: This affidavit was put in my mail box three days ago. I would have no reason to present this affidavit. Mr. President, but since it was --

THE PRESIDENT: I asked you a perfectly simple question. Cannot you give me an answer to it? I asked you if it was in evidence.

DR. BOEHM: This document was not submitted as evidence, Mr. President, but I have no other possibility of defining my attitude toward this document if I do not take this opportunity.

THE PRESIDENT: Either you want to put it in evidence or you do not. If the

H0205-0014

document is not yet in evidence there is no need to go into it.

DR. BOEHM: No, I only wanted to ask a few questions based on this document and I want to put these questions --

THE PRESIDENT: You cannot do that until you have put the document in evide If you want to put it is evidence then you must put it in evidence. If you do i want to then -- just listen to me.

It is not true to say that you had no opportunity of dealing with the docum You can deal with it in re-examination. If the document is put in in cross-exami tion you can deal with it then. Otherwise, if you want to put it in evidence now subject to its admissibility, you can do it and take the responsibility for it.

DR. BOEHM: Mr. President, that would be true if, in cross-examination, that affidavit would be submitted.

THE PRESIDENT: If it is not submitted we shall not look at it, we shall not know anything about it.

DR. BOEHM: Mr. President, I gather from that that if this affidavit is not submitted in cross-examination that it may not be submitted afterwads either, Th of course, the procedure is quite clear. Then I do not now need to deal with it.

THE PRESIDENT: Yes. At any rate, if there was an application by the Prosecution to submit the affidavit in rebuttal you would have an opportnity of answering to it after that, in these circumstances.

DR. BOEHM: Then I should like to ask the Tribunal to permit me to call the witness whom I had in mind so that he can define his position and so that I might interrogate him.

THE PRESIDENT: No, either you put it in evidence yourself now or else you wait for re-examination.

Sir David, I do not know what all this is about. Dr. Boeh does not seem to know what the position is.

SIR DAVID MAXWELL FYFFE: My Lord, it may be-- I did no quite catch the name of the deponent, but it may be that this is one of the affdavits with regard to which I applied to the Tribunal a day or two ago and I was going to put them in after the defense documents in general rebuttal.

Yes, my Lord, it is an affidavit from the Prime Minister of Bavaria, which is one of those I mentioned to the Tribunal a few days ago.

H0205 - 0015

THE PRESIDENT: Well, you can put it in on cross-examination, can you not?

SIR DAVID MAXWELL FYFFE: My Lord, I can quite easily.

THE PRESIDENT: Would that not be the most convenient course? Then Dr. Boehm can re-examine upon it. He has had an opportunity, apparently, of looking at it

SIR DAVID MAXWELL FYFFE: Yes, My Lord, I will do that.

DR. BOEHM: Mr. President, the thing I wanted to avoid was the situation w would have arisen if the document had been submitted after the testimony of my last witness so that I would not have had an opportunity of refuting the docum

BY DR. BOEHM:

Q Mr. witness, now I should like to put my final question to you.

Did the political aims of the SA have a criminal character?

A That which was done by the SA, that which was pursed by its leadership a aims, all those things did not at any time have any fear of the light of day. T SA leadership did not pursue any criminal aims and did not know of the criminal aims of any other agencies.

The SA, as an organization, never committed deeds which would justify or le to its defamation as a criminal organization. The SA, Your Lordship, had many followers, in the Reich, that is the former Reich and beyond its boundaries as

The SA had opponents as well. Some of these opponents raised their voices a out of hate or disapproval created prejudices against the SA, not what was true but merely based on prejudice, which as is well known, has brought many a human as a cropper before history.

This might lead to a situation where five to six million men who in the last two and a half decades belonged to the SA would be stamped as criminals.

DR. BOEHM: Mr. President, I have no further questions.

THE WITNESS: Mr, President, for these five to six million men and for the several millions of families of these members I can, with a straight gaze and un oath, state that never did the SA have a criminal character.

Your Lordship, before me and as a part of the entire story of my life was th fact that which you have done you stand behind bravely, come what may, what the danger may be and that you are not afraid of anything, not even death. The only thing you should fear is shame and by shame I mean if you try to wiggle out of yo responsibility in that you end your own life or if you become untruthful. In that

connection, Your Lordship, my conscience is clear.

Therefore, with that explanation and with my statement as to the guiltlessness of the SA, I can meet the highest judge.

DR. BOEHM: Mr. President, I have no further questions to put to the witnes

H0205-0016

H0205-0017

THE PRESIDENT: Does the prosecution desire to cross examine?

CROSS EXAMINATION

BY SIR DAVID MAXWELL FYFE:

Q Do you say, Witness, that the SA had nothing to do with atrocities against the people of the occupied territory?

A I do not quite understand the latter part of your question. Atrocities?

Q Against the people of the territories occupied by Germany, foreign territories occupied by Germany?

A SA leadership --

Q That is a perfectly simple question. You have made your speeches. Now answer "yes" or "no" to the question that the SA had anything to do with t atrocities against the people of the occupied territories.

A I am of the intention to give a true answer; therefore, I will have to --

Q Can't you answer "yes" or "no"?

THE PRESIDENT: You can explain afterwards, you know. If you answe "yes" or "no", you can then give your explanation.

A The SA had nothing to do with the treatment of peoples of occupied countries.

Q I see. Well, now, I want you to look at your report on the SA duri the war, which the Lord Tribunal will find in document book 16-D at page 113.

SIR DAVID MAXWELL FYFE: My Lord, it is number 4011 PS, and will be Exhibit GB 596.

Q (Continuing): Now, witness, just before you look at that, do you remember saying before the Commission: "At the beginning of the war with Pola the SA Group Sudeten carried out transports of prisoners of war into the camps Other SA Groups in the East may have been used for similar purposes later on. The SA Leaders and the SA as an organization had nothing to do with this question." Do you remember saying that? Page 336 of the transcript. One of your groups carried out transports of prisoners of war into camps and other SA Groups may have been used for similar purposes. Do you remember saying th to the Commissioner? If you would take your mind from the document and just

H0205 - 0018

address it to the point as to whether you said that before the Commission, it would help. Do you remember saying that before the Commission?

A Before the Commission I admitted it and this is something I will not dispute today, that the SA Group Sudeten on the instructions of the Wehrmacht transported prisoners of war in the Polish campaign; but, Mr. Prosecutor, you asked me about the treatment of the population in the occupied country.

Q I got your answer to that. We must take it by stages. You admit you said that before the Commission, that the "SA Groups carried out transports of prisoners of war into camps. Other SA Groups in the East may have been used for similar purposes." Do you remember saying that? I am only putting in the record what you said. You admit you said it?

A I have just said that.

Q Right. Now, let's look at your report. This is a report made by you on the 23 of June, 1941, and you see that after a general paragraph -- My Lord, if you'd turn to Page 116, it is page 4 of the original document -- and Witness, if you'd go on to the heading "Section 4 A". You see -- "The SA-men who have remained in the communications zone primarily care for the maintenance of the SA-organization. All units, even the smallest ones are alive, and the men willingly sacrifice their spare time for duty in the party. This includes assistance to the political leaders in the educational and orientation tasks, propaganda and counter-propaganda, preparations for meetings, control of the population in the frontier areas." Is that correct, what you wrote in 1941?

A It is true exactly for the Hinterland as the home country. It is not occupied areas.

SIR DAVID MAXWELL FYFE: Turn to Page 117 of the English version, My Lord.

BY SIR DAVID MAXWELL FYFE:

Q I think it is page 123, Witness, of your version. Have you got 123? It is page 5 of the original. It is the next page, Page 5. You see under "G" "The duty achievements of the SA, which deal with direct support of the armed forces and which benefit the power of German arms, have developed in all directions. At the time this report is written and/or in the previous weeks the

H0205-0019

following were employed:" Then, the second of these -- "21 groups of SA-men for guarding prisoners." Where were the 21 groups guarding prisoners?

A In the German Reich area during the Polish campaign.

Q This is 1941, the Polish campaign had been finished for nearly 21 months. You see, you say that, that is, at the time the report is written, o in the previous few weeks, where were they guarding the prisoners then?

A At this point, a compilation of activity of the SA during the war fr the beginning and everything is enumerated, even the Party things done by the S

Q Didn't you hear what I put to you, and can't you read your own report This says: "At the time this report is written or in the previous weeks --" that is, in June, 1941. It says they were guarding prisoners. I am asking you, where were they guarding prisoners?

A You can't quite look at it that way. Perhaps the 21 SA-groups were used for the guarding of prisoners of war. It says among the 21 groups of SA .

THE PRESIDENT: The question was: Where did you say they were guarding prisoners. There is nothing about the number 21. Where was it that they were guarding prisoners?

A In prisoner-of-war camps in the Reich area were isolated SA-members, and they were given to the Wehrmacht for the supervision of --

THE PRESIDENT: What do you mean by the Reich area? Do you mean Germany as it was before the war again?

A Yes. It is possible that in West Prussia, or the Government General, prisoner-of-war camps did exist, but that is beyond my knowledge.

Q And in the Baltic Provinces?

A I know nothing about that.

Q Well, we can refresh your memory in just a moment. Not to leave this document, if you will look at the next page, on page --

THE PRESIDENT: Before you pass onto that.

SIR DAVID MAXWELL FYFE: Your Lordship, pleases.

THE PRESIDENT: The passage just before "B", perhaps you ought to put it to him.

SIR DAVID MAXWELL FYFE: I am ready for it, Your Lordship.

H0205 - 0020

BY SIR DAVID MAXWELL FYFE:

Q If you will look just before "B", you will see the words "Numerous SA-leaders and sub-leaders were furnished to the German Labor Front for duty in the Todt organization", is that right?

A What page is that, please?

Q It is about ten lines before the bit I put to you about the 21 groups guarding the camps. It says: "Numerous SA-leaders and sub-leaders were furnished to the German Labor Front for duty in the Todt organization."

A We did give men to the organization Todt for work, but --

Q Were they looking for forced labor?

A No, we gave them to the organization Todt, and they were left or withdrawn from the authority of the SA.

Q Now, would you look at page 6 of the original, and you will see a heading, "The premilitary training." Now, you see what is said there, and this is the second year of the war. This is the second paragraph, after the dealing with the SA war defense groups: "This educational work is primarily to assist the fighting spirit, to retain and fortify the willingness to fight, and to harden the National-Socialist communal idea in German men to become an uncompromising testimonial to the comradeship in arms." Then you give an account of the training, including "signals and target practice, instruction and practice in handling of rifles, as well as shooting at the range and in the field, and furthermore the throwing of hand-grenades, and so on."

Now, Witness, you are very familiar with these complications. I suggest to you that that training which is set out in your third report in the second year of the war is exactly the same training as is set out in your reports in the Training Directives of 1943, 1938, and 1939. It is the same training as the SA had been giving to its membership for the last 7 years almost word for word, isn't it? Isn't that exactly the same words contained in all your training directives?

A No, that is not true.

Q All right.

A Before the war --

HO205 - 0021

Q I will put the training directives in in due course. That is your answer, you say that is not the same. I suggest that that is a deliberate untruth, and that this report covers the same ground, using practically the same language as your reports in 1934, '38 -- your Training Directives in '34, '38, and '39.

Now, consider that that is all I want, the Tribunal to be able to test your veracity, do you still say that that report is not the same as the SA Training Directives in '34, '38, and '39? Do you or do you not?

A It depends on how the service was handled.

Q I am not asking you how the service was handled. I am asking you on the contents of the Training Directives, and I am putting to you a perfectly clear question. Isn't the training contained in this report, in the two year after the beginning of the war, exactly the same as the training laid down to the Training Directives of the years '34, '38, and '39? Now, do you want to maintain your answer that it isn't?

A Before the war we had no premilitary or postmilitary training. During the war we did everything so as the defense power of the German people be strengthened. Anything else I cannot tell you. Therefore, I must arrive at a "no". What is set down here is something different from what we did before the war.

Q All right.

A What we actually did --

Q In time I shall put the Directives before the Tribunal and they shall judge them. Now, turn over to page 15 of the original.

SIR DAVID MAXWELL FYFE: My Lord, that is page 127 of the book.

BY SIR DAVID MAXWELL FYFE:

Q Now, do you see the heading, "Work done by SA in regained territorie You got that, page 15?

A Yes.

Q "Work done by the SA in regained territories. The two SA groups 'Vistule', with headquarters at Danzig, and 'Warthe' with headquarters at Posen were formed in the East. The territory of Upper-Silesia was assigned to unit Silesia, the territory of Memel and Suwalki to the Baltic Provinces, (Ostland)

H0205 - 0022

unit." I ask you to notice that "Ostland unit".

"Very soon the SA units formed a network of solid strong-points for the National-Socialist movement. The Vistula unit comprises 15 Standarten with 507 companies (Stuermen) the Warthe unit 28 (Standarten), counting 684 companies (Stuermen). In these regions also as in combat, --" note these words -- "also as in combat, the SA was the assault-unit for the Party. It assists in collecting German manpower, in strengthening it and bringing it into alignment according to National-Socialist principles. In that respect it was often necessary to start by teaching the German language and then explaining the basic ideas of National Socialism. Many young racial Germans were trained as SA assistant leaders in SA schools. In these regions also the SA service, practically speaking, is directed towards strengthening the defensive forces. It was therefore necessary to overcome the inferiority complexes of the racial Germans, the result of Polish suppression, and to bring their external appearance and bearing into keeping with SA standards. Then only was it possible to begin the real military training. The work of the SA in the West is also similar to that in the East. There it was possible in a short time to bring into the SA an important part of the male population through the recruiting of former German soldiers of the World War. The leaders of the 'Standarten' are predominantly Reich German SA-leaders. The 'Sturmbanne' and 'Stuerme' are practically without exception led by Alsatians who have received special training in a special SA school in the Reich. Reich German SA-leaders and men stand at their side to advise and help."

Well, now I am going to ask you quite a lot about the East, but I will just leave the West with thisone question.

H0205 - 0023

I am going to ask you quite a lot about the east, however, I will leave the west with this one question. Did you mean by that paragraph that the SA was doing its best to help in the Germanization of Alsace?

A The SA built up its organization there and trained men for decency and good character, but other teachings played no role in our territory.

Q I would like you to look at the procedure. The chief of staff, that was Lutze in 1941. He was still alive then. In the next paragraph, it states, "The Chief of Staff visited these territories in the East and West, besides numerous inspections in other parts of the Reich, just as the period of this report and gained a clear insight into the service, not only in the main cities, but particularly in the small and smallest garrisons of the SA."

Did the Chief of Staff take his Deputy with him on any one of these visits, that is, yourself?

A I accompanied him on one visit in the east, but not in the west.

Q Perhaps you were fortunate that you went into the eastern territory. Did you ever go to Vilna?

A No.

Q Let me see if you can help us from your immense knowledge of the SA, which you spoke of this morning. Did you know an SA officer called Hinkst, who was the staff commandant at Vilna?

A What is the name?

Q Hinkst.

A No, I do not know him.

Q Just think. You say you don't remember him at Vilna?

A No, I don't know him.

Q You remember at Vilna, the old garrisons were taken over and were known as theSA Kaserne, the SA Barracks. Did you know that?

A Never in my life have I ever been in Vilna, nor do I know who was active in Vilna, whether it was the SA or some otheragency.

Q Did you know that in one of the groups formed, it was a very interesting group in Vilna, but they did not have to do quite as big a job as the SA, however, they killed 10,000 Jews in the autumn of 1941? You say you never heard of that?

H0205-0024

A No.

Q What I am putting to you is that in September of 1941, 10,000 Jews were killed in Vilna and the people who rounded them up from the ghettos, the people who took them out to be killed, were the SA Detachment in Vilna?

A I repeat this quite emphatically, the SA had nothing to do with these matters and the SA was not participating in these matters. There was no SA at Vilna.

Q Then, we will just have alook at this affidavit. Will you look at this affidavit?

THE PRESIDENT: Did you sign this Document that was just put to you - this report?

THE WITNESS: Yes.

SIR DAVID MAXWELL FYFE: Would you look at Document D-964, which is an affidavit of Szloma Gol. My Lord, that is GB 597. I am so sorry, My Lord, that is page 55. I beg your Lordship's pardon.

This gentlemen says: "I am a Jew and lived in Vilna, Lithuania. During the German occupation I was in Vilna ghetto. The administration of Vilna ghetto was managed by the SA. The Town Commissioner of Vilna (Stadtkommissar) was an SA officer called Hinkst. The LandKommissar for Vilna was an SA officer called Wolf. The advisor on Jewish questions was an SA officer called Murer."

Do you remember an SA officer called Hinkst or an SA officer called Wolf in Lithuania?

THE WITNESS: Neither thename Hinkstnor the name Wolf are familiar to me. I have never heard these names and I emphatically deny we ever had an SA group in Vilna at all.

DR. BOEHM: I beg your pardon, Mr. President. These incriminations which the prosecutor is trying to blame on the SA are all tremendous and are obviously unknown to the witness. I should like to ask, if the contents of this affidavit are to be used, that the witness Gol be brought here and examined here. If he is in Nurnberg, he can be called for examination before the cour

SIR DAVID MAXWELL FYFE: Mr. Gol is here and my friend can ask him any questions that he would like. He can produce the actual articles taken from the dead bodies of the men who were shot.

THEPRESIDENT: Is this man here in Burnberg?

H0205 - 0025

SIR DAVID MAXWELL FYFE: My Lord, yes he is in Nurnberg. Of these six affidavits, I have kept four and that covers, I think, the principle allegations. I have kept Gol, Beig, Sigall and Kibart. The other two had to go to their work, which has been found for them and My Lord, I felt in view of what they already suffered, it's not quite right to keep them all back. However, I kept four and I submit that the defense has ample opportunity for any cross-examination.

THE PRESIDENT: Are they all on the same topic?

SIR DAVID MAXWELL FYFE: My Lord, no. They deal with Vilna, Kaunas and Schaulen. My Lord, three places.

THE PRESIDENT: Sir David, do you propose to use or to read all of these affidavits, now, or to use them for cross-examination?

SIR DAVID MAXWELL FYFE: My Lord, I was proposing to put the main points of them in for cross examination and on what the affidavits are based. I did not mean to read them through. From these affidavits I have selected about three points to read.

THE PRESIDENT: Yes, Dr. Boehm.

DR. BOEHM: Before we read from this affidavit, first of all, I should like to ask that this affidavit bechecked as to its authenticity. This Document is D-964.

THE PRESIDENT: We are considering your application at the moment, that the man should be called for cross-examination. Surely that is sufficient.

DR. BOEHM: No, only with the pre-requisite that this affidavit, which has been submitted is true, authentic and has been signed.

THE PRESIDENT: Sir David has said that the man is here. You can ask the witness if it is true.

DR. BOEHM: I have no reason to introduce a witness, Mr. President, who did not depose an affidavit.

THE PRESIDENT: No one is suggesting that you should introduce him as your witness. Your application is the application which we are now considering, that is, that he should be brought here for cross-examination, but that does not make him your witness.

DR. BOEHM: Mr. President, on the prerequisite that he actually deposed the affidavit, only on that hypothesis did I apply to have him brought

H0205 - 0026

here.

SIR DAVID MAXWELLFYFE: The original affidavit is before the witness and I am told it was certified to before Major Wurmser. It contains the actual statements, which the deponent made before he signed.

DR. BOEHM: I am objecting for this reason. It is not shown to me on my document that it was actually signed.

THE PRESIDENT: Give us the original. It really would be better, Dr. Boehm, if you would take the trouble to look at the original before you make objections of this sort.

DR. BOEHM: Mr. President, I did not wish to accuse anyone of anything. I only asked that we ascertain and make sure that it is signed, for according to the copy, which I have, it is not signed.

THE PRESIDENT: Sir David, in the imterest of saving time, would it be sufficient if two of these affidavits were used and two of the witnesse were called for cross-examination?

SIR DAVID MAXWELL FYFE: My Lord, I suggested three since it covers three towns, Vilna, Kaunas and Schaulen. I shall willingly restrict myself if the Tribunal will allow these affidavits to be used in cross examination providing the three deponents are called before cross-examination. It would be most convenient if they should be called after this witness has been cross examined and re-examined.

I see that I am in a slight difficulty about Schaulen, because both deponents, who had to go, dealt with the Schaulen episode. My Lord, I have a witness, I am so sorry. It is my fault. I will do that, my Lord. I must admit, I said Schaulen, it should have been Kaunas. Yes, My Lord, I will put the facts in the affidavit and I will only use the affidavits in regard to Vilna and Kaunas and both the deponents are here.

THE PRESIDENT: Then, the marshal will have those witnesses ready when the evidence of this witness is finished in order that they may be calle for cross examination if Dr. Boehm wants to question them.

SIR DAVID MAXWELL FYFE: My Lord, we will do so. They will be here I want to question the witness here with regard to Vilna.

THE PRESIDENT: Sir David, I see it is now twenty-five minutes of twelve. Before you do that, we had better recess.

(A recess was taken.

H0205 - 0027

SIR DAVID MAXWELL FYFE: My Lord, I have selected three of these witnesses to cover each of the towns: Szloma Gol, who will deal with Vilna, and Kagan who will deal with Kaunas, and Kibart who will deal with Schaulen.

My Lord, they are out of court, so that they will not hear the cross examination, and are available when the time comes.

DR. BOEHM: Mr. President, I can forego examining these witnesses, but I have no objections to these affidavits' being used, because in this connection I shall touch upon the subject and clear it up with the witness Juettner. These people have nothing have nothing whatever to do with the SA, and the witness Juettenr will elucidate the situation. They were attached to the Minister of Eastern Affairs, and one would regard these men the same way as he would regard a member of the armed forces who was attached to that ministry. And a member of the armed forces could not be regarded as an SA man, either. So I am not in any way interested in examining these witnesses.

I shall not wish to subject these witnesses to any cross examinatio

THE PRESIDENT: Very well.

Then, Sir David, we do not think they need be called if Dr. Boehm does not want them.

SIR DAVID MAXWELL FYFE: My Lord, I am of course, entirely in Dr. Boehm's hands, and what the Tribunal approves. I want it known that the Prosecution has no objection to calling them, and that they are ready to give evidence.

THEPRESIDENT: You can use the affidavits.

SIR DAVID MAXWELL FYFE: If Your Lordship pleases.

BY SIR DAVID MAXWELL FYFE:

Q Witness, have you a copy in German of D-964?

A D-964; yes, I have it.

Q That is the affidavit of a Mr. Gol. I have read the first and second paragraphs. If you will look at the third paragraph, it says:

"In December, 1943, 80 Jews from the ghetto including four women and myself and my friend Josef Belic were ordered by an SA Sturmfuehrer, whose name I forget, to live in a large pit some distance from the town. This pit had originally been dug for an underground petrol tank. It was

H0205 - 0028

circular, 60 meters in diameter, and 4 meters deep. When we lived in it the top waspartially covered with boarding, and there were two wooden rooms partitioned off, also a kitchmand lavatory. We lived there six months altogether before we escaped. The pit was guarded by SA guards about whom I give details below."

You will see in paragraph 5 that he says that the "SA men threw chains into the pit, and the Sturmfuehrer ordered the Jewish foreman (for we were working party) to fasten the chains on us. The chains werefastened round both ankles and round the waist. They weighed 2 kilos each, and we could only take small steps when wearing them. We wore them permamently for 6 months. The SA said that if any man removed the chains he would be hanged. The four women were not chained."

Then, before we come to the work, I would just like you to look at Paragraph 10, because that describes the guards:

"The work of digging up the graves and building the pyres was supervised and guarded by about 80 guards. Of these over 50 were SA men, in brown uniforms, armed with pistols and daggers and automatic guns (the guns being always cocked and pointed at us). The other 30 guards consisted partly of Lithuanians and partly of SD and SS. In the course of the work the Lithuanian guards themselves were shot presumably so that they should not say what had been done.

H0205 - 0029

The Commander of the whole plane was the SA officer Murer (the expert on Jewish questions) but he only inspected the work from time to time. The SA officer Legal actually commanded on the spot. At night our pit was guarded by 10 or 12 of these guards."

Then he says that the guards "hit us and stabbed us" and that he was knocked over a pile of bodies and that they were only allowed to go sick for two days; if they went sick for more than that they were shot.

Then he says in paragraph 12, that "of 76 men in the pit, 11 were shot at work."

Now I would like you to look very shortly at paragraphs 6, 7, 8, and 9 which describe the work. Paragraph 7 says that "the work consisted in digging up mass graves and piling up bodies on to funeral pyres and burning them. I was engaged in digging up the bodies. My friend Belic was engaged in sawing up and arranging the wood."

Paragraph 8 says: "We dug up altogether 68,000 bodies. I know this because two of the Jews in thepit with us wereordered to keep count of the bodies by the Germans; that was their sole job. The bodies were mixed, Jews, Polish priests, Russian Prisoners of War. Amongst those that I dug up I found my own brother. I found his identification papers on him. He had been dead two years when I dug him up because I know that he was in a batch of 10.000 Jews from Vilna ghetto who were shotin September, 1941."

And then he describes the procedure for making a funeral pyre of layers of wood and bodies and throwing oil over it and burning it.

Are you telling the Tribunal that you never heard of what had gone on in Vilna or that there were any SA personnel concerned in it?

A After listening to this I have to make the following statement ...

Q First of all, before you make a statement, will you answer my question: Do you say that you never heard of these happenings in Vilna or that the SA were concerned in them?

A That is what I am saying, decidely. It is today for the first time that I hear of it and I had nothing whatever to do with it. We had no SA in Lithuania. We only had SA in the former Government General. There were attempts to build it up and there were SA afterwards but we had no SA organization in Lithuania guarding the ghettos and all the property that had to be

H0205 - 0030

guarded in this matter as neither the SA leadership or the SA organization had anything to do with it. But I could welladmit that a misuse of SA uniforms happened here in the organization of the SA as well as on the part of Lithuanians.

Q I see. Your explanation is that they have mistaken somebody wearin a brown shirt. Is that your explanation? Probably wearing a swastika on his arm just to make it more difficult. You are really telling the Tribunal, who have been sitting here for nine months listening to whathas happened in these territories, that your explanation is that somebody has mistaken other people wearing brown shirts. Is that your explanation?

A It is one of the explanations which I have given in connection with these events.

Q I only want to put in .. I deedn't occupy time by putting it to the witness in view of what he said .. Document 975 as an additional declaration of Mr. Gol. It will therefore become GB-958 and it explains the procedure by which the gold teeth were taken out of corpses. My Lord, I don't think it is necessary to go into detail because your Lordship has heard of how that procedure was carried out so much and the normal way for doing it. We will just say that the man Muerer personally took the boxes with him. Now I am going to come to Kaunas or Kovno. I want you just to tell me: Do you say that you do not know an SA Brigaderfuehrer called Kramer, who was Governor of Kaunas?

A Until now we have not mentioned SA Brigaderfuehrer Kramer.

Q We are mentioning him now and I am asking you, do you say or don't you say that you do not know an SA Brigaderfuehrer called Kramer who was Governor of Kaunas or Kovno, a very well place?

A He should certainly be known to me, I agree with you, but I would like the name again. Did you say Kagan or Kramer?

Q Kramer. He was the German Town Governor and an SA Brigaderfuehrer, Kramer.

A I know a Brigaderfuehrer Kramer. Whather he was the governor of Kaunas I do not know.

Q Do you know an SA Hauptsturmfuehrer called Jordan ?

A No.

H0205 - 0031

Q And don't you know that the Town Governor's office in Kaunas was exclusively staffed by SA, even the girls in the office belonging to the SA women's section, wearing SA brown shirts with swastika? Do you say that you never heard of that?

A We had no SA in Kaunas and I do not know any SA department there, either. If Kramer was supposed to be an SA Leader or acting there, then he was not working in his capacity as an SA Leader and the SA, your Lordship, has nothing to do with the whole matter. I should like particularly to emphasize that strongly once again.

Q Well now, let me put two more of these names to you. Do you know an SA Brigaderfuehrer called Lenzen?

A Brigaderfuehrer Lenzen had formerly worked with the Reichs Sports Leader and there I met him.

Q Did you know that Lenzen was Commissioner for the Rural District around Kaunas?

A If Lenzen was Commissioner for Rural Districts then he was not coming from the SA in a capacity as an SA Leader. He was therefore minister of Eastern forces, that is to say, he did not come under the jurisdiction of the SA if he was working there.

Q I see. Do you say that you hadn't an SA section, I don't know whether it would be a company or a smaller unit, guarding prisoners of war near Kaunas? You have told us, you see, thatyou had these units who were supporting the Wehrmacht in these territories. Are you swearing that there was not an SA unit guarding prisoners of war near Kaunas?

A We had no SA units which we had organized near Kaunas. I cannot say any more about that. We had organized SA in the former Government General and apart from that we had no SA in the East except for West Prussia, near Posen, sn that there could not be any SA there at all.

THE PRESIDENT: For the sake of accuracy, Sir David, I don't think he said they h ad SA units supproting the Wehrmacht in these territories near Kaunas.

SIR DAVID MAXWELL FYFE: No, My Lord, I think "in the East" were the words, my Lord.

H0205 - 0032

THE PRESIDENT: I thought he said "within the Reich area."

SIR DAVID MAXWELL FYFE: It was in this report. I will check it. I am so sorry, my Lord, if I have made a mistake. My Lord, what he said was.

THE PRESIDENT: Have you got it there, Sir David? Referring to the 23rd of June, 1941, thatis the report, he said, "That is the home countr We had 21 groups guarding prisoners of war in the German Reich Area. I mean in what was Germany beforethe war. I know nothing of the Baltic Provinces."

SIR DAVID MAXWELL FYFE: My Lord, I agree entirely with that. Your Lordship will remember that he goes on to say in the report itself at the top of page 127, he said there were two groups, one at Danzig and another at Posen. Then he said the territory of Upper Silescia was assigned to unit Silescia and the territory of Memel and Suwalki to the Baltic Provinces (ostland) unit. That waswhat I had in mind, that there was a Baltic Province Ostland.

THE PRESIDENT: Well, he said in the report ...

SIR DAVID MAXWELL FYFE: Yes, my Lord, I agree it was not quite the same before he put in the report. My Lord, in view of that I will just briefly indicate the contents of this affidavit to your Lordship as the witness says that apart from knowing two of the people he does not know anything about it. First the deponent says he lived in the Ghetto of Kaunas during the German occupation and that he was on the Jewish Council of the Ghetto dealing with statistics and supplies. As representative of the Jews .

THE PRESIDENT: We have not got this document.

SIR DAVID MAXWELL FYEE: Oh, haven't you, My Lord, I am so sorry. It is D-968, GB-599. I am very sorry, My Lord, it is my fault.

THE PRESIDENT: It is in the book, is it?

SIR DAVID MAXWELL FYFE: It is in the book, it is 61.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL FYFE: My Lord, he goes on to say: "As represe tative of the Jews for rations, etc., I had to deal directly with the Town Governor's Office (Hauptsturmfuehrer SA Jordan's section). The Town Governor office was exclusively staffed by the SA, even the girls in the office wore brown SA uniforms." Then he says; "The German Town Governor was called Kramer, and he was a Brigaderfuehrer SA. Jordan was the Advisor on Jewish

H0205 – 0033

Affairs to Kramer. I know their ranks and that they were in the SA, because they signed the orders which were posted on the Ghetto." Then in paragraph 3 he describes the plundering operation. He says: "It was done exclusively by SA men, Jordan was with them. They all wore brown uniforms." They took their property and shot 27 people and then on the 13th of September, that is in the middle of the raid, Jordanand Sturmfuehrer SA Kepen, with Brigaderfuehrer Lenzen, who was Commissioner for the Rural District of Kaunas, standing by, shot three men in his presence. Then he says: "On the 21st or 22nd of September 1941 I was in a labor detachment. I saw about thirty SA men inuniform conducting a group of some 300 Russian prisoners of war. The Russians were quite exhausted, they could barely walk.. Two collapsed and the SA shot them. The SA were beating them all the time. My labor detachment had to bury these Russians."

Then, my Lord, paragraph 7 just shows a piece of what one might call silly brutality, but it was conducted, making the m march out and carry weights for a distance. You will notice that there were about 100 SA men guarding the Jews, armed with automatic pistols.

Then, in paragraph 8, "On the 28th of October, 1941, there was a big 'action' on, in which 10,500 people from the Ghetto were shot. The Ghetto population was first divided into two groups, those for execution and those who were allowed to stay. The sorting was supervised in the morning by a man called Rauka, who was, I think, in the Gestapo or the SD, and later in the day three prominent SA men, Jordan, Kepen and Poschl, came to help him. All these SA men were in uniform. I know the number of those who were shot because my job on the Jewish Council included the rationing for which we had taken a census of the Jews. A new census was taken after these executions".

H0205 - 0034

And next it says how Jordan told him to go and get twenty bodies of the people he had just shot; and 10 says that Jordan asked for 530 intellectuals to work on archives; he was told they were not available. "Thereupon the SA (assisted by others in German uniform which I cannot identify for certain but I think it was SD) seized and shot 530 people at random. The SA personnel present included Jordan, Peschl and Lenzen. My Lord, that is Kaunas.

Now, My Lord, the next town, the other one with which I wanted to deal, is Schaulen, which your Lordship will find in document D-969 at Page 63 in the same document book. It becomes GB-600 and is an affidavit by a deponent, Leib Kibart.

BY SIR DAVID MAXWELL FYFE:

Q Now I just ask you, witness, did you know an SA Sturmfuehrer called Schroepfer, S-c-h-r-o-e-p-f-e-r?

A A Sturmfuehrer Schroepfer I did not know in the SA.

Q Did you know an SA Sturmfuehrer called Bub, B-u-b?

A That is unknown to me, as well.

Q Did you know a man in the SA whose rank, unfortunately, I haven't got, called Gewecke, G-e-w-e-c-k-e, who became District Commissioner for this area 130 miles south of Riga?

A That is equally unknown to me. The district commissioners, in fact all commissioners, were not employed by the SA. They were furnished by the Ministry for Eastern Affairs and we had no influence on it.

Q Kibart says he was in the SA and I am just asking you to try and remember if you know him. There is no doubt that he exists. We have got captured documents signed by him. But I want to know, did you know him, Gewecke?

A Yes, I understood you, but apparently you misunderstood me previously because you are stating that I did not know Kramer and Lenzen and I didn't say that. I merely said --

Q I didn't say that, Witness, and don't let's have any misunderstanding. I was just making quite sure by informing you that there was no doubt that Gewecke was there because his name appears in captured documents, and I wanted you to be quite sure you didn't know him before you gave your answer. You didn't know him?

A No, I didn't know him.

H0205-0035

SIR DAVID MAXWELL FYFE: My Lord, then I will again state it quite shortly. In the first two paragraphs the deponent says that he is a leather worker, and where he was working. In the third he says that he was cursed and beaten by the SA when he was at work. Then in paragraph 4 he says that Schroepfer was there first and afterwards Bub. And in 5 he said: "It is hard to judge, but I estimate that there must have been 700 to 800 SA men there at the beginning, but they decreased in numbers later. I knew them as SA because they wore brown uniform with Swastika armlets. Later on they often used other Germans in the locality as auxiliaries." Then in 6 he says: "There were 4,500 Jews in the Ghetto, which was very overcrowded. In August 1941 the SA therefore surrounded the whole Ghetto, and numbers of them went into the houses and took out women, children and old men, and put them into lorries and drove them away. I saw all this myself. It was done exclusively by SA. I saw them take children by the hair and throw them into the lorries. I did not see what happened to them but a Lithuanian told me afterwards that they had been driven twenty kilometers away and shot. He said he had seen the SA make them undress and then shoot them with automatic pistols." Then paragraph 7 says they were shot if they took food into the Ghetto and describes the shooting of a master baker who had four or five cigarettes and some sausage and the hanging of this baker. Then paragraph 8 deals with Gewecke, and My Lord, I ask the Tribunal to note: "The District Commissioner in whose courtyard I worked was called Gewecke. I saw him every day. He was in the SA. The SS took over from the SA in September 1943, and the Ghetto then became a working camp."

Now, My Lord, if your Lordship would be good enough to turn to page 107, you will see a report from Gewecke -- from Schaulen. My Lord, that is document 3661-PS, which will become GB-601. It is dated the 8th of September, 1941, from Schaulen, where he was Regional Commissioner, to the Reich Commissar for the Eastland (Ostland). My Lord, I uhderstood -- I may be wrong -- that Ostland included Lithuania, Estonia and Latvia only, but that is the position. This is a complaint about an SS Standartenfuehrer called Jeager coming into Schaulen's activities, and after explaining that he had managed to acquire -- or rather, that his agent had been acquiring some Jewish silver and gold articles, he then says -- My Lord, this fresh incident merely demonstrates that Jaeger does not consider himself bound by the instructions issued by the Reich

H0205-0036

Commissar and by the Regional Commissar regarding the seizure of Jewish propert and that he meddled in matters --

DR. BOEHM: Mr. President, may I interrupt? This document which is now being presented refers to an SS Standartenfuehrer Jaeger, and I don't think the case of the SS is being discussed. I should therefore like to have the document discussed when the case of the SS is being discussed, because it has nothing to do with the SA.

SIR DAVID MAXWELL FYFE: My Lord, the evidence is that the signatory of this document is a member of the SA. He was acting as commissioner, and my friend can make what argument he likes on that. He was a member of the SA and here he is protesting against the SS coming in and taking Jewish property, exactly the thing which the evidence states the SA have been doing in this area My Lord, that is why I submit the document, as a useful corroboration.

DR. BOEHM: This man was not employed as a member of the SA in that territory where he worked as a commissar.

THE PRESIDENT: We have just had evidence that he was and the witness in the box says he doesn't know, so I don't know on what authority you say that he was not.

DR. BOEHM: It may be that he had been one, but he wasn't there in his capacity as a member of the SA: he was there as a member of the Ministry for Eastern Affairs. The SA wasn't doing anything; they were not employing people there.

THE PRESIDENT: That is a matter which the Tribunal has got to consider. We will consider the evidence of this witness, who says there was no SA in this particular place at the time. We will also consider the evidence of the deponent in the affidavit, who says that this man Gewecke was there in SA uniformwith a lot of other SA men. That doesn't make this document inadmissible, which is a captured document.

SIR DAVID MAXWELL FYFE: My Lord, the next paragraph is the only matter which I want to trouble the Tribunal with: "If the SS continues to overreach itself in this fashion, I, as Regional Commissar, must refuse to accept responsibility for the orderly confiscation (Erfassung) of Jewish property."

THE PRESIDENT: Now I suppose that Dr. Boehm's argument upon that would be that this witness, Gewecke, was acting as Regional Commissioner and not as an

H0205 - 0037

agent of the SS.

SIR DAVID MAXWELL FYFE: My Lord, that is a perfectly proper argument for Dr. Boehm to make. Of course it is important, when your Lordship has these affidavits in which this man is dealt with, that one should be able to tie it in with a captured document. That is really what I wanted to do.

BY SIR DAVID MAXWELL FYFE:

Q Well, Now I come to a point that you have mentioned several times for a moment. You said that the only SA organization in this area was a unit form by the Defendant Frank in the Government General, I think in April, 1942; tha the SA unit of the Government General was formed under the orders of Lutze and the command was taken over by the Defendant Frank. That is right, isn't it? And you said that he had a special staff for the actual carrying on of the unit which, I think, was in the hands of two men called Selz and Friedemun if I caught your evidence right. Is that so?

A No, it isn't correct that way. First of all, those were not the name:

Q If those are not the names, please blame me. I took them down as I understood them. You tell us the right names. It is my fault entirely if I h got them wrong. What were the names?

A I was just going to finish my sentence. The right names were Pelz and Kuchnemund, and this leadership staff was not under the jurisdiction of the former Governor General Frank. They were directly under the Chief of Staf he was issuing the orders for them. Frank had merely been appointed as the leader of the SA in the way I have already described. As to the other affidavits, I may, I hope, have an opportunity to state my views later. Otherwise --

SIR DAVID MAXWELL FYFE: My Lord, Your Lordship will find -- it is in evidence, in 3216-PS, US Exhibit 424, the extract from "Das Archiv", giving that foundation of the unit in the Government General.

BY SIR DAVID MAXWELL FYFE:

Q What I want you to tell the Tribunal, Witness, is: What was the purpo of forming a unit in the Government General?

A There were two purposes; but first of all, may I put a question with reference to the affidavits of Kovno, Schaulen and Riga, that I shall have to continue to make a statement which is necessary to discover the truth, and I

H0205 - 0038

wanted to ask whether I may do so now or whether I can do so after the question you have put has been answered?

THE PRESIDENT: The Tribunal thinks that it willbe better for your counsel to put questions to you in re-examination upon that evidence.

BY SIR DAVID MAXWELL FYFE:

Q Now, I want you to tell me, as shortly as you can, what was the purpose of forming a unit of the SA in the G ernment General in 1942?

H0205 - 0039

A. There were two purposes. First of all, the Reich Germans who were working in the Government General should be kept together in a comradely way, as far as they were members of the SA, and certain people of German origin, who were inclined, should later join the SA, and should be brought into the community and fitted into it by teaching German customs, the German language, etc., and bring it nearer to them; and also demonstrate to them the comradeship exercised in the SA.

Q. I want to get that clear. You said it was an entirely peaceful purpose in the Government General. Do you adhere to what you have told the Tribunal that there were no other SA formations operating in the eastern territories, and particularly, I ask you about the territory Ostland, that is, as I understand it, including the old countries of Lithuania, Esthonia and Latvia.. I have already put certain evidence to you, but I want to get this clear. Are you prepared for your proof, to be judged on the fact -- on your answer to this question: Do you say that there were no SA units operating in Ostland?

A. I am prepared to answer that question absolutely clearly. The highes leaders of the SA in this territory Ostland, which you have just described by saying Lithuania and Esthonia, did not organize a SA there. A German SA was not formed there. If an SA was being formed there, or supposed to have been formed there, then it was a wild organization which had nothing to do with the SA leadership, and nothing is known to me, namely, that the SA had some organization there.

Q. That's your answer. My Lord, I wonder if the Tribunal would look for a moment just at a part of the document 1475-PS, which is also R-135, and it i Document Book 16-B, page 81, United States Exhibit 289 -- My Lord, it comes just after page 81 in the Book. It's 81-A. It should be. My Lord, would you give the witness a copy? My Lord, that is the protest of the Reichkommissar for Ostland to the Defendant Rosenberg, and the Tribunal is probably familiar with that bit. The first page is a protest against killing off so many Jews in the "Cottbus" project because they would have been useful for slave labor, and, in any case, the locking of men, women and children into barns and

H0205 - 0040

setting fire to them doesn't appear to be a suitable method for combat bands. That is the effect of that. Now, My Lord, there is a catch to that. On the next page, the report of the 5th of June, 1943, from the General Kommissar of White Ruthenia to the defendant Rosenberg, through the Reich Commissioner for Eastland, and my Lord, it may be that the territory is slightly out of that mentioned, but at any rate, I'll make it perfectly clear. My Lord, it begins by saying "The result of the operation, 4,500 enemy dead and 5,000 dead, suspected of belonging to bands, who apparently were the people who had been locked up and burned in barns." Then, My Lord, below it gives the booty, and then the next paragraph: "The operation affects the territory of the general District of White Ruthenia in the area of Borissow. It concerns in particular the two counties of Begomie and Pleschtschamizy. At present, the police troops, together with the army, have advanced to Lake Palik, and have reached the whole front of the Beresina. The continuance of the battles takes place in the rear zone of the army."

Then there is another note to the effect that only 492 rifles were taken from 4,500 enemy dead. Now, my Lord, it is the next sentence: "By order of the Chief of Band-Combatting, SS Obergruppenfuehrer von dem Bach" -- my Lord, that is the officer who gave evidence before the Tribunal some months ago -- "units of the--" Witness, I ask you to note this: "Units of the Wehrmannschaften have also participated in the operation. SA Standartenfuehrer Kunze was in command of the Wehrmannschaften." Now, Witness, are you going to tell the Tribunal that the SA Wehrmannschaften were not a section of the SA and that the Standartenfuehrer Kommissar was not operating as a member of the SA?

A. Yes, I should like very much to answer that, very clearly. First of all, it doesn't say"Wehrmannschaften SA". It says "Wehrmannschaften".

Q. Just a moment. Are you suggesting that Wehrmannschaften doesn't mean SA Wehrmannschaften? That it is not a unit of the SA -- is that your answer?

A. In this particular case, they were not units of the SA. That I am stating with all certainty. They were not SA people. They were not formed by the SA. They were not trained by the SA. If such Wehrmannschaften existed

HO205-0041

there at all, and the SA Standartenfuehrer Commissioner supposedly led the Wehrmannschaften formed there, then he certainly didn't lead them in his capacity as SA leader, but in the framework of the eastern administration.

Q. But he was in command of the Wehrmannschaften. Are you saying that when you have got a well-known SA formation, the Wehrmannschaften commanded by a SA Standartenfuehrer, you are telling the Tribunal that they weren't operating as SA at all, is that your evidence? You really ask the Tribunal to believe that? All right, I am putting another document to you, my Lord. I will ready another document to you, my Lord. If you will turn to Page-64-A, you will find ---

A. This I do not. I have something to say about this to the Tribunal. That was a fact. Wehrmannschaften is a very definite conception. There were Wehrmannschaften elsewhere too, which had nothing to do with the SA either, and apparently here we are concerned with such a case. We did not have any Wehrmannschaften there. The Standartenfuehrer Commissioner was not acting as an SA leader when he was there. As far as the leading, and as far as the organization is concerned, the events at Schaulen, Riga and Kovno had nothing whatsoever to do with these things.

Q. No, witness, just do be careful before you answer this: Do you say that there were no SA Einsatz Commanders securing forced labor inside the Government General? That is a perfectly simple question. Do you say that there were no SA Einsatz Commanders collecting forced labor inside the Government General?

A. The SA didn't. No Einsatz commanders at all.

Q. Now, I suggest to you --

A. SA leadership that is.

Q. I will ask you to look at Document D-970, my Lord; that will become GB-602, and your Lordship will find it at page 64-A. My Lord, this is a report to the defendant Frank, as Government General, dated the 25th of September, 1944. The subject is: The Priority of the Carmelite Monastery of Czerna, who was shot at by one of the SA Einsatz Commanders mentioned. Let me put it this way. "The incident under consideration took place within the framework of the

H0205 - 0042

action for obtaining people for the carrying out of special building plans in the district of Ilkenau. It came to the knowledge of the sub-Regional Commander of the Security Police and SD in Cracow via the branch office of Krossendorf and the strong point of Kolbron. As the place where the deed was committed lies within the area of the Einstazstab of Ilkenau, the investigation were carried out by the Regional State Police Headquarters at Kattowitz -- branch post Ilkenau. The results of the investigations provided the following facts:

The possibility of carrying out the planned building operations in the area in question within the period laid down, was made doubtful by the fact that the various communities did not provide the number of workers imposed on them.

As a result, the construction staff at Kattowitz gave a special detachment composed of 12 SA men orders to bring in workers from the various villages. The execution of this task by this SA Einsatzkommando was in any case carried out by them in such a way that they first approached the village beadle and presented the demand. Then it goes on to describe how when it was refused, they searched the houses. Some of the inhabitants offered resistance when the houses were searched, and these had to be broken by the use of arms. "In view of the fact that partisans had several times appeared in this area during recent times, the SA men reckoned that partisans were living in the villages during the day disguised as civilians. Besides this, when workers were obtained, the local conditions were taken into account." That's the first one, collecting forced labor from this village.

H0205 - 0043

Now we have another SS Command :

"The Prior of Czerna Monastery was seized by members of the SS Einsatzkommando in Nowojowa Gora. He was told to remain with the men of the SS Einsatzkommando for the time being. While the members of the detachment were in a house in order to search it for workers, the Prior--according to what the Regional State Police Headquarters Kattowitz established-- used this opportunity, which seemed suitable to him, to escape. As he did not stop when shouted at several times and after some warning shots had been fired, but on the contrary, ran even faster and tried to escape, arms were used.

"The Prior had been arrested because he was alleged to have made negative statements to other workers about the Ostwall-- Eastern Defensive Line-- and the building undertaking, which tends to influence the laborers' already weak will to work in a still more unfavorable manner. It was intended to take the priest first to the construction staff at Nielepiece and from there to the office of the Security Police."

Now, note the last paragraph, and this is:

"According to the report of the Regional State Police at Kattowitz, steps are to be taken to insure that in future such operations are carried out by SS men but by police officials."

Now, witness, why did you tell the Tribunal ten minutes ago that there weren't any SS Einsatzkommandos and that they never searches for forced labor in the Government General? Why did you say that; you knew it was untrue, why did you say it?

A That is not untrue. I will repeat my testimony once again, and I stick to it, namely that the SS did not have Einsatz-kommandos. Those SS men here were probably called in by the source furnishing this report, and they were under cumpulsory service-- I have no other explanation-- in the capacity of auxiliary policemen. The reporting source merely describes the auxiliary police units, and describes them as Einsatzkommandos, which is a wrong usage of the language. As far as we are concerned, we did not invent that

H0205 - 0044

designation and we did not have such units or such formations.

The responsibility here for the actions which were carried out was not that of the SA, but of the department sending these men over.

I want to add that, particularly as far as police departments in the government generals were concerned, we have had repeated objections against the repeated use of SA men for police duties. We did not want to have the SA carrying out police duties, but they were called in periodically, on the basis of legal and lawful regulations, and used for police work. If they say that in the future SA men are no longer to be used, but police officials, then this merely means quite clearly that not auxiliary policemen are to be used, but policemen proper.

Q But the police have made objections to the SA doing this work, and have also objected to the brutal methods with which they carried it out.

Do I gather, from that long answer of yours, that you do know that SA men were being used as auxiliary police in the Government General? Is that what you are telling the Tribunal?

A The SA leader in Muehlhausund had given us repeated reports that, based on legal regulations, SA men had been used for police service.

Q At any rate, that is something.

Now I want you to tell me this. You said, in your report on the war, that the SA had been used regarding prisoners of war. Didn't the SA also guard forced labor camps?

A I know nothing of that, that we are supposed to have guarded labor camps.

Q Well now, let me give you the names of some of the camps which suggest you guarded:

Sakrau, a forced labor camp at which inmates were all

H0205-0045

Jews; Hochtau; Markstadt; Littau; Hallberg; Reichenau; and Annaber.

A. This is the first time that I hear these names in connection with labor camps.

SIR DAVID MAXWELL FYFE : Your Lordship will find, at page 131 of the book 16-B, an affidavit of Rudolf Schoenborn. That will be GB-601, My Lord. He speaks of the SS guarding these camps, and of the conditions. He finishes by saying : "All I wish to say here is that the SS in no way lagged behind the SS in their murderous and criminal methods at that time already", which was in 1940.

BY SIR DAVID MAXWELL FYFE :

Q. Let me put another point to you. Do you remember the SS guarding a labor camp at Frauenberg, near Admont? That was a labor camp for skirkers and drunkards, of about 300 prisoners. Do you remember the SS guarding that?

A. That is completely unknown to me. I have never heard about it; I never heard of it.

I put the document--there is no doubt that it is a personal report to Himmler. Now just have a look at it.

SIR DAVID MAXWELL FYFE : My Lord, it has a certain melancholy interest in that it deals with the selection of Auschwitz as a concentration camp.

My Lord, the point that I am dealing with, and it is only on this one point-- I beg your pardon, My Lord, the affidavit should have been number GB-603, and this is Exhibit 604.

Q. (Continuing) Now, will you look at that?

THE PRESIDENT : What page is it on?

SIR DAVID MAXWELL FYFE : I am sorry, My Lord, page 132, the next page. That is a report from an SS Oberfuehrer called Gluecks, whose name I think we are not unfamiliar with. It is a report to Himmler of the 21rst of February, 1940, in which

H0205 - 0046

the man Glucoks deals with five possible concentration camps which Himmler might consider using, or rather, six possible concentration camps. The third of these is a place called Frauenberg, and he says:

"Frauenberg is a labor camp set up by the Provincial Welfare Union of Styria for shirkers and drunkards. It consists of five wooden huts and can take 300 prisoners.

"The Labor prisoners are exclusively Styrians who are paid for their work by the Provincial Welfare Union of Styria during their time in the camp--27 to 57 pfennis an hour, less food.

"The SS-- about 20 men-- do the guarding. The labor prisoners are employed in two quarries and on building roads."

Then it says :

H0205-0047

"The whole place is now state property; formerly it belonged to the Admont Foundation."

BY SIR DAVID MAXWELL FYFFE:

Q Now, witness, how would it come about that these SA men were employed in guarding a labor camp, and you, the Deputy Chief of Satff, would know nothing about the fact that SA men were employed in labor camps? How could you be ignorant of these facts? Just explain to the Tribunal; how could you be ignorant?

A If these men were sent into action at all, then they were assigned as auxiliary policemen, and that is the way they acted. Just as NSKK men, or any other citizens, were under the legal obligation of having to serve, SA men, on the strength of existing laws, could be signed up as auxiliary policemen. That was a measure of the state, which had nothing to do with the SA and which could not be influenced by the SA, and of which the SA couldn't know anything either. It was impossible for the SA leadership to be informed of the fate of every individual man, as it is being expressed in your question. That is quite out of the question. They weren't SA men, they were serving for the police, and that is all.

Q I suggest it to you, and I put the evidence of the way the SA were occupied during the war years.

I now want to ask you a little about the training which brought them into the condition where they could do these pieces of work.

Do you deny that the SA was the bearer of the military thought of Germany?

A Such questions were put to me during interrogations. You are mixing up defensive military thoughts with military thoughts. The SA were the bearers of the Wehrgedanken (defense thoughts). and that had nothing to do with military police or military training.

Q And you say that had nothing to do with the cultivation of the offensive spirit, do you?

A Not in the least, not the very least.

Q Why did your friend Lutze, of whom you have told us so much, in his lecture in 1939, put the two things together so strongly?

SIR DAVID MAXWELL FYFFE: My Lord, it is only a short reference from a document that is already in: 3215-PS which is United States Exhibit 426, and, My Lord, it is in the original SA document book.

Q (Continuing); This is an article by Lutze, as head of the SA, on SA military training, dated the 11th of March, 1939, and he says:

"The men never forgot the mission of the Fuehrer to require the military training of the German men and to reconstruct the military spirit of the German people." And he quotes the very well known passage from Mein Kampf which I am sure, witness, you know by heart:

"The sport troop of the SA shall be the bearer of the military thought of a free people."

And he gives Hitler's words:

"Give the German Nation six million perfectly trained bodies in sport, all fanatically inspired with love for the Fatherland, and trained to the highest offensive spirit."

In a sentence, aren't these words of your chief Lutze the spirit and aim under which you worked to train the SA from 1934 to 1939?

A I really am surprised that the prosecutor, after these many months of the trial, sometimes doesn't know the difference between the defensive spirit and military training, or still hasn't discovered it. That had been discussed in detail during interrogations before the Commission. Lutze did not write about military training; he wrote about defensive education, which is something quite different from military training.

We did what every country expects from its patriots. We had a physical and model training of human beings, and nothing more. But no preparation for war, as you are trying to put it to me, was the case.

Q If that was as you say, why was it that as early as the 25th of July, 1933 the SA command was ordering no publicity about technical, signal, and motorized companies or separate air wings, "because they may be taken as an infringement of Versailles."

SIR DAVID MAXWELL FYFFE: My Lord, that is document D-44, USA 4288; that is the first document in the book, MY Lord.

Q (Continuing) Why was your leadership such that what the SA was doing in the way of these technical units would be construed as an infringement of Versailles, and any publicity was to endanger the person publicizing it with prosecution for high treason, if you wern't doing military training?

H0205 - 0048

H0205-0049

A About that, too, I have spoken before the Commission. That order was connected with the military intent on the part of Roehm and the details must become apparent from the record and if your Lordship wishes me to do so, I shall repeat what I spoke into the record there.

THE PRESIDENT: Just answer the question.

BY SIR DAVID MAXWELL-FYFE:

Q Why were you afraid that the SA training and formation of technical units would be considered an infringement of the Treaty of Versailles if they were not military ?

A Roehm's negotiations with foreign states hadn't been concluded and consequently, some false suspicion might have arisen.

Q Well, then, why was von Reichenau now suggesting in May 1933 that the Supreme SA command should combine representation with the Party on the Reich Defense Council ? Why were you to be represented on the Reich Defense Council if you weren't conducting military training?

My Lord, that is, I think, a new document. It is 2822-PS, and it becomes GB-605. That document was never put in but your Lordship will find it in the old SA document. I am afraid that is not the page but it is in No. 2822-PS. It is "Strictly Confidential," dated the 26th of May 1933. From the Chief of Ministerial Office in the War Department to the Supreme SA Command. Your Lordship, it is very short. It is from von Reichenau. I don't know what his rank was then. I think he was a General or a Fieldmarshal after.

"In addition to my letter of 22 May 1933, may I bring to your attention that the desire has been transmitted to me from the defense-policy bureau of the NSDAP to be also represented in the Reich's Defense Council.

"I want to submit for consideration that representation be combined in personal union with the representation of the Supreme SA Command that possibly one suitable person be charg-

H0205 - 0050

ed with both representations."

Why was the SA Supreme Command making representations to be represented on the Reich Defense Council if it was not doing military training ?

A The representation on the Reich Defense Council has nothing whatever to do with military training. At that time, and that again, I said before the Commission, that was for the event that we could not pay the reparation costs and for the event that marches and invasions in the west had to be expected, which proposed that the left bank of the Rhine should be cleared of all Germans capable of doing military service and this clearing out, that meant handing over to the SA through the Party--and as far as that is concerned, the SA and the party were both interested in seeing to it that this should be discussed in the Reich Defense Council.

DR. BOEHM: Mr. President, may I disturb you for a moment ? This document contains a confirmation of the fact that this was turned down by Roehm. I think it would be useful to put that to the witness, too, that it was turned down. It says here: "To Krueger--No, I talked to Reichenau about it", and signed "Roehm." That means he turned it down.

THE PRESIDENT: We had better adjourn now, I think.

(The Tribunal adjourned until 15 August, at 1000 hours.)